

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANCES O'LEARY,

Plaintiff,

-against-

NY STATE UNIFIED COURT SYSTEM,

Defendant.

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NOTICE OF MOTION  
FOR  
SUMMARY JUDGMENT

05 Civ. 6722 (HB)

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, defendant's annexed Statement pursuant to Local Civil Rule 56.1, the Affidavit of John J. Sullivan, sworn to on August 7, 2006, with accompanying documentary evidence, and all prior pleadings and proceedings herein, the undersigned, on behalf of defendant will move this Court, at the United States Courthouse, 500 Pearl Street, New York, New York, at a time and date to be determined by the Court, for an order, pursuant to Federal Rules of Civil Procedure Rule 56, for summary judgment, on the ground that there is no genuine issue as to any material facts and defendants are, as a matter of law, entitled to have judgment granted in their favor, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
August 7, 2006

MICHAEL COLODNER  
Attorney for Defendant  
Office of Court Administration  
25 Beaver Street, 11th floor  
New York, New York 10004  
(212) 428-2150

By:

A handwritten signature in black ink, appearing to read 'JJS', written over a horizontal line.

John J. Sullivan (JJS9947)  
Assistant Deputy Counsel

TO: Steven M. Coren, Esq.  
Coren & Associates, P.C.  
570 Lexington Avenue  
New York, New York 10022

STATE OF NEW YORK  
COUNTY OF ALBANY

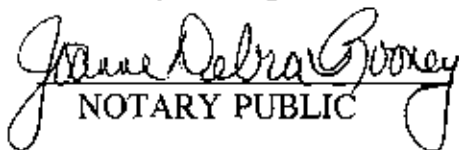
Kathleen Cunningham, being duly sworn deposes and says that deponent is over the age of 18 years, is not a party to the action and resides at 206 Factory Hollow Road, Valley Falls, New York 12185, and that on the 8<sup>th</sup> day of August, 2006, deponent served one copy of the within Notice of Motion and 56.1 Statement upon the following via Express Mail:

Steven M. Coren, Esq.  
Coren & Associates, P.C.  
570 Lexington Avenue  
New York, New York 10022

at the address designated by him by depositing the same in a postpaid wrapper in an official depository of the United States Postal Service in the State of New York.

  
Kathleen Cunningham

Sworn to before me this  
8<sup>th</sup> day of August, 2006

  
NOTARY PUBLIC

JOANNE DEBRA ROONEY  
Notary Public, State of New York  
No. 01RO6034216  
Qualified in Rensselaer County  
Commission Expires December 8, 2009